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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,110	12/29/2003	Chad Lester	Google-33/APP (GP-086-00-	3154
26479	7590	07/15/2008	EXAMINER	
STRAUB & POKOTYLO 788 Shrewsbury Avenue TINTON FALLS, NJ 07724			NOONAN, WILLOW W	
			ART UNIT	PAPER NUMBER
			2146	
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			07/15/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/749,110

Applicant(s)

LESTER ET AL.

Examiner

WILLOW NOONAN

Art Unit

2146

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-42 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 29 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. The instant application having Application No. 10/749,110 has a total of 42 claims pending in the application; there are 4 independent claims and 38 dependent claims, all of which are ready for examination by the examiner.

Response to Arguments

2. Applicant's arguments with respect to claims 1-9 and 20-28 have been considered but are moot in view of the new ground(s) of rejection.

3. With respect to claims 10-19 and 29-38, Applicant argues that it would not have been obvious to one of ordinary skill to use Tomita's technique in Granik's system. However, such use would have been obvious because Tomita teaches that encoding binary data as a character string allows ASCII compatible standards to transport binary data. See Tomita at p. 10, paragraph 213 (describing how this method allows the email to carry binary data).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 20-23, and 39-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Granik** (U.S. Patent App. Pub. No. 2002/0010757) in view of **Smith** (U.S. Patent App. Pub. No. 2003/0101271).

Regarding claims 1 and 20, Granik teach a method comprising encoding one or more ad properties of an ad and including them in a click URL; serving the ad together with the click URL; and, in response to a user selection of the ad, decoding the one or more encoded ad properties at an intermediate URL server and forwarding a content rendering facility of the user to an ad landing page. See Granik at p. 5, paragraph 43 ("That is, when a web user clicks on an ad ... a link will take the user to the re-direct server. Particularly, in response to a user click on [an] ad, a web-based communication is generated that includes a re-direct ad URL including: 1) an encrypted identifier that identifies the user on the re-direct server; and 2) an ultimate destination website code. The re-direct server particularly parses the re-direct URL query string for the identifier and the ultimate destination website code and, by means of a database lookup, maps and transforms the code into a real URL to link the user to the destination website.").

Granik does not teach that the one or more encoded ad properties include at least one of (1) information indicating how the ad was served, (2) information indicating advertiser charges, and (3) information indicating how the ad was selected as a candidate for serving. However, Smith teaches that it is well known to encode such information in a URL. See Smith, *Abstract* ("In addition to encoding user information and document information with the URL, the server also encodes delivery parameters, or transaction identifiers in the URL"). It would have been obvious to use Smith's

technique in Granik's system because Smith teaches that the disclosed architecture enables secure document delivery and tracking of document receipt. See Smith, *Abstract*.

Regarding claims 2 and 21, Granik teaches that the one or more ad properties include ad serving parameters. See Granik at p. 5, paragraph 43 ("an encrypted identifier ... [and] ultimate destination website code").

Regarding claims 3 and 22, Granik teaches that the one or more ad properties include information indicating how the ad was served, and wherein the information indicating how the ad was served includes a rendering attribute of the ad. See Granik at p. 5, paragraph 43 ("re-direct ad URL including ... an encrypted identifier ... [and an] ultimate destination website code").

Regarding claims 39-42, the specific information included in the encoded ad properties constitutes non-functional descriptive material because it does not impart any specific functionality on the claimed invention.

6. Claims 4-9 and 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable for the reasons set forth above, further in view of **RFC 2396** (on URI syntax).

Regarding claims 4-7 and 23-26, RFC2396 teaches that it is well known to use alphabets limited to specific characters for encoding information. See *generally* RFC 2396. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the URI specifications of RFC 2396 in Granik's system because Granik teaches the use of URLs (which are a type of URIs).

Regarding claims 8 and 27, RFC 2396 teaches that the encoded one or more ad properties are represented with a set of K characters, wherein the set of K characters excludes one or more characters selected from a set of characters consisting of "control", "space", "<", ">", and "%". See RFC 2396 at p. 10, *Excluded US-ASCII Characters*.

Regarding claims 9 and 28, RFC 2396 teaches that the encoded one or more ad properties are represented with a set of K characters, wherein the set of K characters excludes one or more characters selected from a set of characters consisting of "{", "}", "I", "\", "A", "[", and "]". See RFC 2396 at p. 11, *Excluded US-ASCII Characters*.

7. Claims 10-12, 19, 29-31, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Granik** in view of **Tomita** (U.S. Patent App. Pub. No. 2003/0035139).

Regarding claims 10 and 29, Granik does not teach representing each of one or more ad properties of an ad with a binary value; concatenating each of the one or more binary values to define a sequence of bits; or encoding the sequence of bits into a sequence of characters, wherein each of the characters is selected from a set of K legal characters. However, Tomita teaches that it is well known to encode binary data and parameters as a string of valid characters. See Tomita at p. 10, paragraph 213 ("the data of the firmware has been converted to US-ASCII code according to Base 64 conversion in order to be attached to the e-mail. Therefore, the CPU converts the character string back to binary data according to reverse Base64 conversion"). It would have been obvious to one of ordinary skill in the art at the time the invention was made

to use Tomita's technique for encoding data in Granik's system because Tomita teaches that encoding binary data as a character string is a well known method that allows ASCII compatible standards to transport binary data. See Tomita at p. 10, paragraph 213 (describing how this method allows the email to carry binary data).

Regarding claims 11 and 30, Granik teaches that the one or more ad properties include ad serving parameters. See Granik at p. 5, paragraph 43 ("an encrypted identifier ... [and] ultimate destination website code").

Regarding claims 12 and 31, Granik teaches that the one or more ad properties include one or more of: an identity of the ad; an identity of the advertiser; a time the ad was served; a time the ad was rendered; a rendering attribute of the ad; a position of the ad within a Web page; a price that the advertiser will be charged for the impression; a price that the advertiser will be charged for a click; a price that the advertiser will be charged for a conversion; an identity of the server that chose the ad; search conditions that generated the page with which the ad was rendered; a next intermediate URL; a final destination URL; an identity of the ad creative, a topic of the content with which the ad was served; a concept of content with which the ad was served; an identity of the content with which the ad was served; information about other ads that were rendered along with the ad; a geolocation to which the ad was served; and user profile information of the user to which the ad was served. See Granik at p. 5, paragraph 43 ("re-direct ad URL including ... an encrypted identifier ... [and an] ultimate destination website code").

Regarding claims 19 and 38, Examiner notes that the described steps constitute a ubiquitous and well-known algorithm for base conversion necessarily included in the limitations of claim 10.

8. Claims 13-18 and 32-37 are rejected under 35 U.S.C. 103(a) as being unpatentable for the reasons set forth above, further in view of **RFC 2396** (on URI syntax).

Regarding claims 13-16 and 32-35, RFC2396 teaches that it is well known to use alphabets limited to specific characters for encoding information. *See generally* RFC 2396. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the URI specifications of RFC 2396 in Granik's system because Granik teaches the use of URLs (which are a type of URIs).

Regarding claims 17 and 36, RFC 2396 teaches that the encoded one or more ad properties are represented with a set of K characters, wherein the set of K characters excludes one or more characters selected from a set of characters consisting of "control", "space", "<", ">", and "%". *See* RFC 2396 at p. 10, *Excluded US-ASCII Characters*. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the URI specifications of RFC 2396 in Granik's system because Granik teaches the use of URLs (which are a type of URIs).

Regarding claims 18 and 37, RFC 2396 teaches that the encoded one or more ad properties are represented with a set of K characters, wherein the set of K characters excludes one or more characters selected from a set of characters

consisting of "{", "}", "|", "\", "^", "[", and "]". See RFC 2396 at p. 11, *Excluded US-ASCII Characters*.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willow Noonan whose telephone number is (571) 270-1322. The examiner can normally be reached on Monday through Friday, 7:30 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Pwu can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Willow Noonan/

Examiner, Art Unit 2146

/Jeffrey Pwu/

Supervisory Patent Examiner, Art Unit 2146